IN THE CLAIMS

1. (Withdrawn) A positive electrode active material containing lithium composite manganese oxide having spinel structure for a non-aqueous electrolyte cell whose primary particle diameter is not less than 0.05 μm and not greater than 10 μm, forming an aggregate, and whose specific surface measured by the BET method is not less than 0.2 m^2/g and not greater than 2 m^2/g.

2. (Withdrawn) A positive electrode active material as claimed in Claim 1, wherein said lithium composite manganese active material is expressed by a general formula $Li_xMn_{2-y}M_yO_4$ (wherein $0.90 \leq x \leq 1,4$, $y \leq 0.30$, and M is one ore more materials selected from a group consisting of Ti, V, Cr, Fe, Co, Ni, and Al).

3. (Withdrawn) A production method of a positive electrode active material for a non-aqueous electrolyte cell, wherein a starting raw material of lithium composite manganese oxide is mixed with a predetermined composition, molded with a pressure, and sintered at a temperature not lower than 600 ° C and not higher than 900° C.

4. (Withdrawn) A non-aqueous electrolyte secondary cell comprising:

a positive electrode containing as a positive electrode active material a lithium composite manganese oxide having spinel structure and whose primary particle diameter is not less than 0.05 μm and not greater than 10 μm, forming an aggregate, and whose specific surface measured by the BET method is in a range not less than 0.2 m^2/g and not greater than

2 m^2/g,

a negative electrode, and

an electrolyte.

5. (Withdrawn) A non-aqueous electrolyte secondary cell as claimed in Claim 4, wherein the negative electrode contains a material capable reversively doping and dedoping lithium.

6. (Withdrawn) A non-aqueous electrolyte secondary cell as claimed in Claim 5, wherein the material capable of reversibly doping and dedoping lithium is at least one selected from a group consisting of a carbon material, metal lithium, lithium alloy, polyacene, and polypyrol.

7. (Withdrawn) A non-aqueous electrolyte secondary cell as claimed in Claim 6, wherein the carbon material is at least one selected from a group consisting of pyrocabon, coke, glassy carbon, organic polymer compound sintered body, and carbon fiber.

8. (Withdrawn) A non-aqueous electrolyte secondary cell as claimed in Claim 4, wherein the electrolyte is at least one selected from a group consisting of $LiClO_4$, $LiAsF_6$, $LiPF_6$, $LiBF_4$, $LiB(C_6H_5)_4$, LiCl, LiBr, CH_3SO_3Li, and CF_3SO_3Li.

9. (Withdrawn) A non-aqueous electrolyte secondary cell as claimed in Claim 4, wherein the electrolyte is dissolved in an organic solvent which is at least one selected from a group consisting of propylene carbonate, ethylene carbonate, 1, 2-dimethoxyethane, γ-butyrolactone, tetrahydrofuran, 2-methyltetrahydrofuran, 1, 3-dioxolane, sulfolane, acetonitrile, diethyl carbonate, and dipropyl carbonate.

Claims 10 - 22 (Cancelled)

23. (Currently Amended) A method of producing a positive electrode active material for a non-aqueos electrolyte cell, comprising:

(a) mixing ~~a first ingredient with~~ ingredients of a lithium composite manganese oxide;

(b) molding the mixture under pressure;

(c) sintering the molded mixture at a temperature not lower than 600°C and not higher than 850°C; wherein

(1) the positive electrode active material comprises lithium composite manganese oxide having a spinel structure whose primary particle diameter is not less than 0.05 μm and not greater than 10 μm~~, forms~~ forming an aggregate, and whose specific surface area measured by the BET method is not less than 0.2 m^2/g and not greater than 2 m^2/g;

(2) the non-aqueos electrolyte cell comprises a negative electrode having a material capable of reversively doping and dedoping lithium, wherein the material capable of reversively doping and dedoping lithium is at least one selected from the group consisting of a carbon material, metal lithium, lithium alloy, polyacene, and polypyrol;

(3) wherein the carbon material is at least one selected from the group consisting of pyrocarbon, coke, glassy carbon, organic polymer compound sintered body, and carbon fiber; and

(4) wherein the lithium composite manganese ~~active material~~ oxide is expressed by a general formula $Li_xMn_{2-y}M_yO_4$, wherein $.09 \leq x \leq 1.4$; $0<y<.3$; and M is one or more materials selected from the group consisting of Ti, V, Cr, Fe, Co, Ni, and Al.

24. (Previously Presented) The method of claim 23, wherein the spinel structure has a primary particle diameter that is not less than 0.1 μm and not greater than 5 μm.

25. (Previously Presented) The method of claim 23, wherein the spinel structure has a primary particle diameter that is not less than 0.5 μm and not greater than 3 μm.

26. (Previously Presented) The method of claim 23, further comprising pulverizing the sintered mixture.

27. (Currently Amended) The method of claim 23, wherein ~~the step of mixing the first ingredient further includes creating a slurry of 86% by weight of lithium composite manganese oxide, about 10% by weight of graphite, about 4% polyvinylidene fluoride, which then dissolved in a solvent~~ the non-aqueous electrolyte cell comprises a positive electrode including graphite and binder in addition to the positive electrode active material.

28. (Currently Amended) The method of claim 27, ~~further comprising uniformly applying the slurry to aluminum foil to obtain a thickness of about 20 μm~~ wherein the positive electrode comprising a metal foil and a positive electrode composite agent on said metal foil, said positive electrode composite agent containing the positive electrode active material and the binder dissolved in a solvent to create a slurry uniformly applied on said metal foil and dried.

Claims 29-34 (Cancelled)